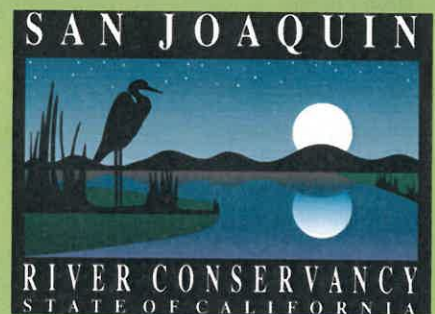
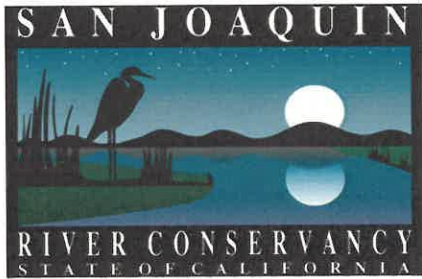


BOARD MEETING REMINDER

The **June 6, 2018**, Board meeting begins at **10:00 a.m.** at the **Fresno Metropolitan Flood Control District Board Room**

Please note the earlier seasonal starting time, **March through November.**





250.20

STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
Fax (559) 456-3194
www.sjrc.ca.gov

GOVERNING BOARD

Brett Frazier, Chairperson
*Supervisor,
Madera County Board of Supervisors*

William Oliver, Vice-Chairperson
Councilmember, City of Madera

Andreas Borgeas, *Supervisor
Fresno County Board of Supervisors*

Steve Brandau
Councilmember, City of Fresno

Kacey Auston, *Director, Fresno
Metropolitan Flood Control District*

Carl Janzen, *Director
Madera Irrigation District*

Julie Vance, *Regional Manager
Department of Fish and Wildlife*

Kent Gresham, *Sector Superintendent
Department of Parks & Recreation*

John Donnelly, *Executive Director
Wildlife Conservation Board*

Julie Alvis, *Deputy Assistant Secretary
Natural Resources Agency*

Jennifer Lucchesi, *Executive Officer
State Lands Commission*

Karen Finn, *Program Budget Manager
Department of Finance*

Bryn Forhan
Paul Gibson
Vacant
Citizen Representatives

Melinda S. Marks
Executive Officer

SAN JOAQUIN RIVER CONSERVANCY

The San Joaquin River Conservancy Governing Board
will hold a regular meeting on
Wednesday, June 6, 2018,
commencing at **10:00 a.m.**

Board Meeting Locations:
Fresno Metropolitan Flood Control District
5469 E. Olive, Fresno CA 93727

and the following location is available to Board members
and the public for participation via teleconference:
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

MEETING AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

A. ROLL CALL

B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

C. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

D. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

E. CONSENT CALENDAR

E-1 Approve Minutes of May 2, 2018

F. DISCUSSION ITEMS

F-1 Mid-Year Status Report on Progress toward meeting River West Fresno, Eaton Trail Extension and North Palm Access Benchmarks

F-2 Status Report for Informational Purposes on Assembly Bill 3218, Authored by Assemblymember Dr. Joaquin Arambula

G. ADMINISTRATIVE AND COMMITTEE REPORTS

G-1 Organizations

If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

G-1a San Joaquin River Parkway and Conservation Trust

G-1b RiverTree Volunteers

G-2 Deputy Attorney General

G-3 Executive Officer

G-4 Board Members' Reports

H. EXECUTIVE SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

H-1 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: 1 potential case

I. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

J. NEXT BOARD MEETING DATE

The next Board meeting will be held August 1, 2018. **Please note the earlier starting time of 10:00 a.m. for meetings in February through October.**

K. ADJOURN

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact Jasanjit Bains at (559) 253-7324 or Jasanjit.Bains@sjrc.ca.gov.



250.20

STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

Item E-1

5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
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GOVERNING BOARD

Brett Frazier, Chairperson
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Karen Finn, *Program Budget Manager*
Department of Finance

Bryn Forhan
Paul Gibson
Vacant
Citizen Representatives

Melinda S. Marks
Executive Officer

MINUTES
SAN JOAQUIN RIVER CONSERVANCY
Governing Board
Wednesday, May 2, 2018

Board Meeting Locations:
Fresno Metropolitan Flood Control District
5469 E. Olive, Fresno CA 93727
and
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairperson Frazier called the meeting to order at 10:01 a.m.
and Ms. Forhan led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Mr. Frazier	X			
Mr. Oliver			X	
Mr. Borgeas	X			
Mr. Brandau	X			
Ms. Auston	X			
Mr. Janzen	X			
Ms. Alvis		X		
Mr. Hatler	X			
Mr. Gresham	X			
Mr. Donnelly	X			
Mr. Connor		X		
Ms. Finn			X	
Ms. Forhan	X			
Mr. Gibson	X			

Ms. Bains confirmed a quorum was present.

Legal Counsel Present: Michael Crow, Deputy Attorney General (via teleconference)

Staff present: Melinda Marks, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst
Jasanjit Bains, Staff Services Analyst
Heidi West, Program Manager, San Joaquin River Conservancy
Projects, Wildlife Conservation Board

B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

There were no comments from the floor.

C. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

There were no additions to the agenda.

D. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

There were no conflicts of interest.

E. MINUTES

E-1 Approve Minutes of April 11, 2018

Mr. Janzen made a motion to approve the meeting minutes for April 11, 2018. Ms. Forhan seconded the motion. The motion passed unanimously as follows:

Name	Yes	No	Abstain
Mr. Frazier	X		
Mr. Borgeas			X
Mr. Brandau	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Alvis	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Mr. Connor	X		
Ms. Forhan	X		
Mr. Gibson	X		

Mr. Frazier requested the future meeting minutes be included in the Consent Calendar.

F. CONSENT CALENDAR

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

- F-1 Distribution of Habitat Restoration Opportunities Analysis for the San Joaquin River Parkway, Ball Ranch and Willow Unit, Prepared by River Partners (February 2017)

Staff Recommendation: This report is for informational purposes. No Board action is recommended.

Mr. Gibson made a motion to approve items on the consent calendar. Ms. Forhan seconded the motion. The motion passed unanimously as follows:

Name	Yes	No	Abstain
Mr. Frazier	X		
Mr. Borgeas	X		
Mr. Brandau	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Alvis	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Mr. Connor	X		
Ms. Forhan	X		
Mr. Gibson	X		

DISCUSSION

- G-1 Report for Informational Purposes by Central Valley Community Foundation on the "Fresno Clean and Safe Neighborhood Parks Initiative," a Potential Local Sales Tax Measure to Fund Parks, Trails, and Recreation Programs in Fresno

Staff Recommendation: Central Valley Community Foundation staff will make an informational presentation about a possible local sales tax measure, currently gathering signatures to qualify for the November ballot, to raise revenue to invest in and support parks, trails, and recreation programs in the city of Fresno. No Board action is recommended.

Ms. Marks introduced Danielle Bergstrom, previously the Policy Director with the Central Valley Community Foundation, and now working on the Fresno Clean and Safe Neighborhood Parks Initiative.

Ms. Bergstrom stated the Parks Initiative is an issue of great importance. In 2012, Fresno was ranked one of the worst large cities for parks in the United States. In 2017, Fresno ranked 90 of 100 large cities. Fresno spends \$38.00 per capita on parks which is very low, and it's a 39% decrease in funding over the last 10 years. Eighty percent of parks in Fresno are in poor or fair condition. In a poll completed in 2017, results showed City of Fresno the majority of voters would support a sales tax increase of $\frac{1}{4}$ cent to $\frac{3}{4}$ cents.

Ms. Bergstrom summarized the City of Fresno Parks Master Plan, which projected millions of dollars in deficits in deferred maintenance, capital for new parks, and renovations for existing parks. The tax initiative would create benefits, address safety and deferred maintenance concerns, and improve parks to meet functional standards. The City would be able to build 80 miles of new trails, and the Parkway within the City would receive \$750,000 per year in funding for operations and maintenance. The campaign needs 23,000 signatures of registered voters to qualify for the November ballot. The measure has a 30-year sunset. Independent oversight of the funds would come from a newly created Parks, Recreation and Arts Commission. Final budgets and expenditure authorizations would be approved by the City Council.

BOARD COMMENTS:

On inquiry from Mr. Borgeas, Ms. Bergstrom confirmed that the parks commission would make the recommendations regarding the funds; and in accordance with the City Charter the council would make the final decisions. She indicated that the measure sets up broad allocations for the funds, but there would remain a lot of discretion for the City Council.

Mr. Frazier, noting that he is a proponent for parks, asked where the lands for new parks would come from. Ms. Bergstrom stated there is an anti-eminant domain clause in the initiative. None of the funds could be used to obtain property through eminent domain. There is not a lot of vacant property in Fresno that could be available from willing sellers.

Mr. Gibson stated from a real-estate perspective, there are changes happening in retail, particularly non-food retail. He foresees some strip malls closing as they will not be able to sustain business; there will be some opportunities to get creative to provide land for parks.

Mr. Brandau thanked Ms. Bergstrom for a great presentation. Although he is concerned there is not enough land for parks, he agreed with Mr. Gibson that there could potentially be parks along, for example, a re-developed Blackstone Avenue.

Ms. Bergstrom noted there is some publicly owned land already available for parks. When River West Fresno is in operation, it will bring significant acreage into the City's parks inventory.

Upon inquiry from Mr. Brandau, Ms. Bergstrom confirmed that only City residents would vote on the initiative.

Mr. Borgeas asked Ms. Bergstrom if she had information related to another possible City tax initiative related to police and public safety. Ms. Bergstrom stated that she did not have information about the possible police public safety proposal. The Fresno Parks Initiative has been focused on building their measure. She noted the Parks measure would include funding for public safety at parks and a park ranger program.

Mr. Frazier asked if the polling was done prior to knowledge about the other initiative. Ms. Bergstrom stated the campaign learned about the discussion of a public safety measure in January.

Mr. Gibson stated, as a Board member of the Boys and Girls Clubs, there are four facilities that are operated under City PARCS. If they were relieved of operations and maintenance of building and property they could probably hire 10 to 30 more staff, that would help 500 to 700 kids. That would be a huge positive for public safety.

Ms. Auston asked if developers have been involved in developing the proposal. Ms. Bergstrom stated they talked to some of the developers, but stayed silent on development in the initiative.

There were no additional comments from the board.

PUBLIC COMMENTS:

There were no comments from the public.

The item was informational. No action was taken.

- G-2 Report for Informational Purposes on County of Fresno Project to Replace the North Fork Bridge on the San Joaquin River in Friant, and Status Report on Demolishing the Derelict Bridge Remnants Near the Same Location

Staff Recommendation: County of Fresno Department of Public Works staff will make an informational presentation at the Board meeting about preliminary plans for the proposed North Fork Bridge Replacement Project and the work they are initiating, and Conservancy staff will provide an update on the status of the Conservancy's River Vista Project within the same area. No Board action is recommended.

Ms. Marks reported that the County of Fresno plans to replace the Road 206 bridge in Friant. The State of California owns property on all four corners adjacent to the road alignment and the bridge, including the Friant Cove, Wagner, and River Vista properties. The County will be working to make sure the bridge design does not change the function of Friant Cove.

Ms. Marks reported that staff has been working with the County of Madera to grant funds for the demolition of the old derelict bridge remnants in the same location. There are many requirements for environmental approval, for a very short-term project to demolish the bridge. Staff has discussed the bridge demolition project with the County of Fresno, to see if any efficiencies could be created through a cooperative project.

Ms. Marks introduced Mohamed Alimi with the Fresno County Public Works Department, Design Division.

Mr. Alimi informed the Board the bridge replacement project was initially scoped as a scour repair project. The 1997 flood severely damaged the existing bridge. The existing bridge was constructed in 1952 when the old Pollasky bridge was damaged by flooding. The concrete bridge where the remnants still exist was built in 1905 and it was at that time the longest concrete bridge in the nation. Because of lack of funding, the bridge that it replaced was 300 feet shorter than the old bridge. The current bridge encroaches into the floodplain of the San Joaquin River. There is no way to mitigate scouring without replacing the bridge. Currently \$10 million has been secured to replace the bridge. They are initiating the design and environmental review.

Mr. Alimi continued, reporting that the bridge is the borderline between Fresno and Madera counties. On the south side of the bridge the abutment encroaches into the river channel about 300 feet. The project would move that abutment. It is urgent to replace this bridge. There are structural issues because of the scour. The new bridge would be significantly larger, maybe 700 feet. There are different regulating agencies involved: the Central Valley Flood Protection Board, U.S. Army Corps of Engineers, etc. The proposed bridge will be downstream of the existing bridge. The plan is to maintain the traffic over the existing bridge throughout construction. The intersection of Road 206 and Friant Road will not be reconfigured or changed. The County will coordinate closely with the Conservancy.

BOARD COMMENTS:

Mr. Frazier asked about the alignment of the new bridge, and whether the design is more complicated in order to avoid the intersection. Mr. Alimi responded that they must build downstream of the existing bridge so that the existing bridge can be operational until the new bridge is completed. They will need to obtain right of way from the Conservancy to realign the road.

Mr. Gibson inquired if the bridge would provide for foot or bicycle traffic. Mr. Alimi stated they are negotiating with Caltrans to increase funding to provide for pedestrian and bicycle improvements. They have also asked to include removal of the old Pollasky remnants. If demolition is not approved for funding, then they would need to work with the Conservancy to fund removal of the old bridge. They are pushing Caltrans to get additional funding because there are recreational trails leading to bridge.

Mr. Janzen stated he would like the County to explore the feasibility of connecting trails underneath the bridge, and if the Conservancy is giving up the land, it should receive benefits as well.

PUBLIC COMMENTS:

Mr. Richard Sloan with the River Tree Volunteers, stated that the channel is digging down under the concrete abutments and it is getting dangerous to launch canoes and kayaks from Friant Cove and go under the bridge.

On inquiry from Mr. Donnelly, Mr. Alimi confirmed the existing funding includes the removal of existing bridge. Also, they wrote a letter to Caltrans to justify removal of the old Pollasky bridge; as a rule, the program is trying to fund as many projects as they can across the nation, and try to confine the program to addressing existing bridge safety issues.

Ms. Marks mentioned there are Conservancy funds available to remove the bridge that could be authorized by the Board. Also, one of the first phases is for the County to secure all permits needed to build new bridge; these are the permits that are needed to take out the concrete bridge remnants. It might be possible to coordinate efforts to make this the most efficient in terms of money spent and reduced redundancy; however, this would extend the timeline for the River Vista demolition project.

Mr. Janzen asked whether the entrances to River Vista would need to be moved for the deceleration, acceleration, and turn lanes. Ms. Marks replied that the road entrance is further up the road and would not be affected by the new bridge. She noted that people use that bridge to walk and fish and it is very narrow. The new bridge will be much safer, but requires advanced planning and funding to be sure to accommodate the uses.

On inquiry from Mr. Janzen, Mr. Alimi stated that the target for construction is 2020 to 2023, more likely and realistically, 2025 to 2026, due to the environmental issues.

Mr. Hatler suggested the County coordinate with environmental agencies early. There are numerous local resources, including the Department of Fish and Wildlife. If the County can provide enhanced public access, the project would get a lot of support.

There were no further comments.

The item was informational. No action was taken.

G-3 Status Report for Informational Purposes on Assembly Bill 3218, Authored by Assemblymember Dr. Joaquin Arambula

Staff Recommendation: This item is presented for informational purposes only. No Board action is recommended.

Ms. Marks gave a brief status report on the recent amendment of the Assembly Bill, which has been approved and passed through the Assembly Parks, Water, and Wildlife Committee. Ms. Forhan was at the meeting would provide an update for the Board.

Ms. Forhan expressed her appreciation from the Conservancy to Assemblymember Arambula for his leadership. She appreciated everyone coming together, particularly the City of Fresno, County of Fresno, City of Madera, County of Madera, and Congressman Costa. The bill made it through the first hurdle, the policy committee, which is significant. Now the bill must go through the Appropriations Committee. The San Joaquin River Parkway and Conservation Trust spoke in support of the bill at the committee hearing. Everyone was in concert and focused on the goal of making the Parkway a reality.

BOARD COMMENTS:

Mr. Gibson asked if the two supervisors from Fresno and Madera have thoughts regarding the language in the bill. He noted that River Vista could be an obvious first step if the bill goes through.

Mr. Frazier stated that they have been working together to make the Parkway a reality through this bill. Amendments have been incorporated to ensure local control is still part of the Parkway development. He supports the effort and will continue to be engaged.

Mr. Borgeas acknowledged the excellent team effort and recognized Congressman Costa for his expertise and ability to maneuver through controversial issues. Mr. Borgeas stated his concern about not getting answers to questions he had raised. Fresno County counsel prepared an analysis, and they were concerned that the earlier version the Assembly Bill could have create some challenges for the Conservancy and local control. They worked to have the author address those concerns.

Mr. Frazier thanked Ms. Forhan for her involvement, which helped keep those involved bonded together.

Mr. Brandau stated that he and the Mayor of Fresno shared Mr. Borgeas's concerns about the bill, but now that the bill had been revised to address local concerns, the City of Fresno is in full support. He thanked Congressman Costa, Ms. Forhan, and Ms. Sharon Weaver of the San Joaquin River Parkway and Conservation Trust, and pledged to Ms. Weaver to go forward "arm-in-arm."

Mr. Borgeas asked if the Board could take action or give direction to staff to encourage or lend support to the bill as it goes to the Appropriations Committee, could we vote or give direction to staff.

Ms. Marks stated that the item is on the agenda as an informational item. Perhaps action could be made in the next Board meeting.

Mr. Borgeas asked if the Board could direct the Executive Officer to draft a letter to encourage support.

Mr. Donnelly advised that the Administration has not taken a position on this bill.

Ms. Marks noted that if an item of support was on the agenda, the State agency members on the Board would likely abstain. She suggested the balance of the members could continue to circulate and sign letters of support from them as individuals. It is possible to add action items to the agenda, subject to specific conditions.

Mr. Crow stated that in this case adding this item as an action item today would not be appropriate under the Brown Act.

Mr. Frazier confirmed the members could continue to be involved in the process as they have done previously.

PUBLIC COMMENTS:

There was a brief discussion among Board members, and from Ms. Weaver, regarding how the Assemblymember Bigelow, Vice Chair of the Appropriations Committee, might approach the funding that would be needed to implement the bill.

There were no further comments from the Board or members of the public.

The item was informational. No action was taken.

G-4 Authorize Bond Funds and a Grant to the San Joaquin River Parkway and Conservation Trust to Contribute to the Coke Hollowell River Center Public Access Improvements Project

Staff Recommendation: It is recommended the Board approve \$400,000 in bond funds and a grant agreement with the San Joaquin River Parkway and Conservation Trust (Parkway Trust) to implement elements of the River Center Vision Plan for the Coke Hollowell Center for River Studies (River Center), contributing toward a public access improvement project totaling \$1.7 million, with the balance of funds secured from other sources by the Parkway Trust. Wildlife Conservation Board (WCB) authorization would be requested at their August 2018 meeting.

Ms. Marks reported that this River Center visitor improvement project, located at the location of the restored ranch house, Eaton Trail trailhead, Hidden Homes Nature Trail, and public learning and gathering spaces, has been planned for many years. The Parkway Trust is requesting \$400,000 in Conservancy bond funds. Project elements—both those proposed to be funded by the Conservancy and those from other sources—include: demolition of the existing dairy barn and construction of a replica barn for public use; construction of an interactive water table with hands-on stations that illustrate the complex functioning of the San Joaquin River; a large picnic shelter; a solar power system to serve the entire site; and a native plant garden. The solar power system would help offset some of the operations and maintenance costs generated by the new visitor amenities. State and Parkway Master Plan policies encourage reducing the energy use and the greenhouse gas footprint at Parkway facilities. Parkway Trust is committed to long term operations and maintenance. The project budget in the staff report shows they have secured \$1.3 million for the project in non-state funds. The \$400,000 would come out of a balance of nearly \$27 million for public access and improvement projects. California Environmental Quality Act requirements were met by the County of Fresno, as lead agency. No additional mitigation is required. The Parkway Trust may soon be launching elements of the project that are not funded by the Conservancy.

Ms. Weaver stated there have been talks about this project for almost 10 years. A few years ago an individual donor offered to fund the barn reconstruction and help fund the solar power system. The Parkway Trust has been working on detailed design work on the barn project. There will be a lot of public use of these facilities.

Ms. Marks added that she had the opportunity to host local agency executives for a lunch at the River Center. She used the event as a focus group for input on the project. They were so impressed with the historic preservation and education at the site, and the opportunity to restore the barn. The group was supportive of the project, and sure that the project will attract visitors and attention.

BOARD COMMENTS:

Mr. Janzen asked if the barn will be on the same site as it is now, and followed with various questions about the features. Ms. Weaver responded the barn will be a replica structure, identical to the existing barn; the only change would be additional sliding doors of corrugated metal rather than wood. The group picnic shelter would be served by restrooms on the site.

Mr. Gibson asked about whether Owl Hollow will become part of the River Center operations. Ms. Weaver confirmed that the Conservancy-funded Owl Hollow project, in progress, could be

connected through trails to the River Center, if the Parkway and Conservancy could be successful in acquiring land from Vulcan Materials when it is finished with its operations.

There were no additional comments from the board.

PUBLIC COMMENTS:

There were no comments from the public.

Ms. Forhan made a motion to authorize bond funds to the San Joaquin River Parkway and Conservation Trust to contribute to the Coke Hollowell River Center Public Access Improvements Project as recommended in the staff report. Mr. Donnelly seconded the motion. The motion passed by unanimous vote as follows:

Name	Yes	No	Abstain
Mr. Frazier	X		
Mr. Borgeas	X		
Mr. Brandau	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Alvis	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Mr. Connor	X		
Ms. Forhan	X		
Mr. Gibson	X		

Mr. Donnelly, Mr. Borgeas, and Mr. Brandau left at 11:37 a.m., after which there was not a quorum; however, there were no remaining action items.

H. ADMINISTRATIVE AND COMMITTEE REPORTS

H-1 Organizations

If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

H-1a San Joaquin River Parkway and Conservation Trust

Ms. Weaver mentioned the Parkway Trust is experiencing issues with the irrigation pump at Spano River Ranch. The Parkway Trust is still troubleshooting the situation.

H-1b RiverTree Volunteers

Mr. Sloan distributed a handout of activities, including cleanups at Jensen property. On Earth Day there was a big clean up of areas along Highway 99 and Herndon Avenue. There is an upcoming trip on May 23rd from Lost Lake Park to Fort Washington Beach.

H-2 Deputy Attorney General

There were no items to report.

H-3 Executive Officer

Ms. Marks reported on the Executive Officer recruitment. A contract has been signed with an executive recruitment service, which will conduct a survey with key stakeholders. Staff is also working on a request to waive the 180-day waiting period to hire a Retired Annuitant so that Ms. Marks can assist with the transition. There will be a Board ad hoc committee meeting next week.

Ms. Raus has been looking into how to get started with the project to connect the Liddell property to the municipal water system. The Department of General Services (DGS) will not meet with the Conservancy to discuss the scope of work and budget unless we have provided funding that they can charge their time to. The Board and Wildlife Conservation Board might need to authorize funds just to meet with DGS.

Mr. Gresham of Millerton Lake State Recreation Area hired a new employee who is seeking state employee housing. The Conservancy has three residences that are vacant: one on the Vulcan property and two on the Vinnard property. The Vulcan property that is available for Millerton Lake's employee was recently vacated. It was previously used as an office by Vulcan Materials, has a new roof and is clean and ready for move-in. The home is safe and sanitary. The Conservancy is entering into an agreement to rent housing to the employee, like the one we already have for the Wagner property. The collected rent would provide for a contract with State Parks to provide maintenance. This would make sure the residence is not vacant, which would create issues down the road. There was a brief discussion of the possibility of renting the two residences at Vinnard.

Ms. Marks reported that staff has been very busy processing contracts and numerous license agreements. Jasanjit and Rebecca have processed about 20 agreements, including entering them into the new state Fi\$cal system. Ms. Raus has become the staff expert on State contracts, and she learned from previous staff member Josh Morgan.

H-4 Board Reports

Mr. Janzen mentioned that the Habitat Restoration Opportunities Analysis report (item F-1) focuses too much on restoring wildlife that are rare, rather than on supporting the wildlife presently there such as deer, beavers, and other animals. We cannot recreate the past conditions.

Mr. Hatler mentioned that planning documents, such as the report, intend to facilitate and identify actions that can improve conditions for certain of wildlife and plants.

Ms. Marks noted there is a student from Fresno State that is completing his Master's Degree and has cameras placed at Ball Ranch and Ledger Island. She will invite him to make a presentation about Ball Ranch wildlife at a future meeting.

Mr. Frazier requested an update from staff regarding the requests at the last meeting from MACTRA and Golden Bear. Mr. Frazier suggested having Board meetings in Madera, alternating between Fresno and Madera or having the meetings in Madera once a quarter.

Ms. Marks reported the representatives of MACTRA and Golden Bear have been added to committee and Board agenda distribution lists. The Conservancy sent a follow-up letter to MACTRA to address their concerns. Regarding the issue of the dotted line showing the possible

trail in the Master Plan, Placeworks is working on all revisions of the Final EIR and Board direction, including deleting the trail line. The final documents will be posted online.

H-3a River West Fresno, Eaton Trail Extension Work Group, Report on Meeting of April 23, 2018

Ms. Marks reported she is working on a formal report to the Board regarding accomplishments, goals and how to meet benchmarks stated in the Board's Resolution of approval. The San Joaquin River Access Corporation is working on the post-closure land use plan, they secured a consultant, and are renegotiating the terms of the easement with Mr. Spano. At the June meeting there will be an agenda item with a report to the Board to see if the Board's expectations are being met.

H-4 Board Members' Reports

I. EXECUTIVE SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

None.

J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

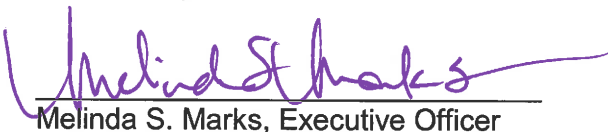
K. NEXT BOARD MEETING DATE

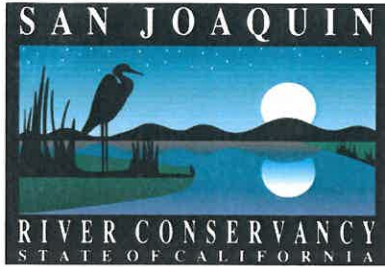
The next Board meeting will be held June 6, 2018. **Please note the earlier starting time of 10:00 a.m. for meetings in February through October.**

L. ADJOURN

Mr. Frazier adjourned the meeting at 11:47 a.m.

Respectfully Submitted,


Melinda S. Marks, Executive Officer



SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item: F-1

June 6, 2018

TO: San Joaquin River Conservancy Board

FROM: Melinda S. Marks, Executive Officer *[Signature]*

SUBJECT: **Mid-Year Status Report on Progress toward meeting River West Fresno, Eaton Trail Extension and North Palm Access Benchmarks**

RECOMMEDATION:

This report is for informational purposes. No Board action is recommended. Board members should provide feedback regarding the progress and their expectations to the participating parties.

SUMMARY:

The direction of the Conservancy Board in approving the River West Fresno Eaton Trail Extension and North Palm Access was to:

- I. Implement the core project as soon as funding and other considerations permit; and
- II. The Conservancy and others should make reasonable progress toward implementing the North Palm Access (Alternative 5B access). Per the Resolution, "reasonable progress is defined as specific benchmarks to be accomplished by the Conservancy and others" by December 31, 2018, generally as follows:
 - a. Approximately 11 acres of privately owned property (the Spano property), shall be acquired by the nonprofit San Joaquin River Access Corporation (SJRAC);
 - b. A post-closure land use plan for the Spano property must be approved;
 - c. Exceptions/variances to the Bluff Protection Overlay District and tree removal ordinance must be secured from the City of Fresno (City);
 - d. The issues associated with the proposed Spano easement attached to the SJRAC's option agreement must be resolved to the Conservancy Board's satisfaction; and
 - e. An access easement for public use shall be secured in favor of a willing public agency and recorded for the Spano property; alternatively, the Conservancy will investigate acquiring fee title ownership of the Spano Property.

The involved parties have been making progress with diligence and good faith. At this point staff expects that reasonable progress will be achieved by December 2018 toward demonstrating the feasibility the North Palm Access. Approval of preliminary plans for post-closure land use may be secured in the next few months and the Spano easement is being renegotiated. Upon completion of those steps, the SJRAC may close escrow by September. Preliminary approval of the ordinance exemptions and public access easement could be secured by the end of the year as well.

As discussed below, final approvals associated with some of the benchmarks cannot be achieved until final engineering plans are developed in later phases by the Conservancy or others. The Conservancy has not authorized grants or contracts to develop final plans and specifications for construction for any part of the River West Fresno project, and does not normally do so until operations and maintenance resources are secured.

With preliminary plans and approvals secured by December 31, progress will be made to the extent reasonably achievable, and the feasibility of the North Palm Access will be assured. The Discussion section presents the milestones achieved to date, the remaining tasks and timeframes, and any possible constraints or challenges. A table follows summarizing the tasks and timeframes. This report was presented to parties participating in the implementation work group for review and discussion at its meeting on May 21, 2018. This report is presented in lieu of meeting notes for the group's April 23rd and May 21st meetings.

The Board members should provide feedback on the outcomes so far, and their expectations.

DISCUSSION:

I. Implement the core project as soon as funding and other considerations permit.

The core project consists of the approximately 2.5-mile extension of the Lewis S. Eaton Trail; the Perrin Avenue entrance, parking and staging area, with ancillary amenities; the hiking trails; and the pedestrian/bicycle connecting trail from the existing Bluff Trail and Riverview Drive. This project would create a new open space park of over 358 acres.

The Conservancy has State capital outlay funding available from voter-authorized State bond funds; however, it must first secure a sponsoring partner and long term operations and maintenance commitment in order to authorize funds for final engineering plans and building any portion of the project. The current balance of funding from voter-authorized bond funds for the Parkway is approximately \$26.5 million.

Staff has discussed rough estimates in today's dollars of operations and maintenance budget needs for the core project with City and San Joaquin River Parkway and Conservation Trust representatives. A rough estimate of operational costs, including four to five full-time equivalent on-site staff and a "sinking fund" for long-term upkeep, ranges from \$250,000 to \$400,000 per year. User fee revenue collected per vehicle for those parking at the Perrin Avenue lot could partially offset costs (for example, \$5 per vehicle, times 30 vehicles per day average, would equal \$55,000 per year).

There is a provision in the Fresno County Measure C transportation sales tax where the City of Fresno and County of Fresno can utilize up to \$10,000 per mile to fund multi-use trail maintenance for five years, provided that there is a 5:1 leverage of construction funds from other sources. For the approximately 2.5-mile trail extension, there could be \$25,000 operating revenue per year for five years, if there was at least \$625,000 of non-Measure C money used to build the trail (e.g., State funds).

As reported to the Board at the May 2, 2018, meeting, there is a local tax initiative and a State legislative initiative that could provide potential local or State long term operations and maintenance resources.

Once long term operations and maintenance funding has been determined for the core project elements (or for the entire project), Conservancy staff could submit a proposal for the Board and

Wildlife Conservation Board to authorize funds for a grant or contract to complete regulatory permitting and engineered plans. This would be followed by contract procurement, permit applications, final plans and specifications, and then another cycle to fund construction, bidding, and the actual construction phase. From start to finish this could take three or four years.

Opportunities to secure operations and maintenance resources through a partnership with the City or other sources will be pursued, and the operations and maintenance budget will be refined in the future in cooperation with the proposed operating partner.

II. Make reasonable progress, as defined in the Resolution, on specific benchmarks toward implementing the North Palm Access

a. Approximately 11 acres of privately owned property (the Spano property), shall be acquired by the San Joaquin River Access Corporation (SJRAC).

The SJRAC, a nonprofit 501(c)(3) organization, has entered into an option agreement to purchase the property from the Spano interests. The SJRAC is working diligently to purchase the property; however, in coordination with regulatory agencies, it must first determine its obligations under the post-closure land use plan before it will close escrow, a task discussed in item b., below, and address issues associated with an easement granted to Mr. Spano, discussed in item e., below. Issues associated with legal access to the property also need to be resolved prior to purchase. The SJRAC believes it will be able to close escrow by the end of the summer.

Nothing so far has changed the SJRAC's intent or the feasibility of closing escrow by the end of the year to meet the Board's benchmark.

b. A post-closure land use plan for the Spano property must be approved.

The post-closure land use plan for the closed construction waste site must be approved by the County of Fresno Department of Public Health, Environmental Health Division and the Central Valley Regional Water Quality Control Board. The former construction waste site has been closed in accordance with the regulatory agencies' requirements. Approval of the post-closure land use plan is necessary to develop the approved Parkway features. The site has been studied extensively over the past 20 years. The regulatory agencies have requested the SJRAC to secure a qualified geotechnical consultant to compile the data and prepare and submit the post-closure land use plan for agency review and approval.

The SJRAC has entered into a contract with Kleinfelder to provide engineering and environmental consulting services to prepare the post-closure land use plan. The scope of work includes compiling and assessing the available data, coordinating with the regulatory agencies and responding to any comments raised in their review, and preparing a draft post-closure plan. The SJRAC will also be working with design engineers to prepare preliminary plans that conform to the post-closure requirements. The SJRAC's consultant will also prepare the health and safety plan required in the adopted Mitigation Monitoring and Reporting Program to protect worker safety during construction.

Consistent with comments made by the Public Health Department at the Board's December 13, 2018, meeting, the representatives of the regulatory agencies indicate the planned Parkway improvements will be an acceptable post-closure land use, subject to specific design considerations. The agencies will decide whether to restrict parking lot

landscaping to shrubs and grasses to preclude the intrusion of tree roots into the capped wastes. The agencies have also indicated that the vault toilet restroom should not be located on the landfill-affected property, but can be located along the trail nearby. As noted in the Final Environmental Impact Report, fill necessary to construct the parking lot must be excavated from other areas in close proximity within the 100-year floodplain in order to preclude floodwater displacement.

The regulatory agencies normally require the post-closure plan to include final plans, e.g., final grades, final engineered plans, etc., and the applicant must be the landowner (not an option-holder). It is not known which entity might in the future contract to construct the planned parking area—the SJRAC, City, Conservancy, etc.—and funding for final engineering has not been authorized; therefore, it is not expected that final plans, working drawings, and specifications will be developed by any of the parties by the end of this year.

It is anticipated that within the next few months the regulatory agencies can provide written preliminary approval of the draft post-closure plan, including preliminary grading and construction plans prepared by the SJRAC's environmental and engineering consultants. Preliminary approval would demonstrate that the post-closure land use plan for the parking area is feasible, reasonably meeting the Board's benchmark, and allowing the SJRAC to move forward to close escrow.

c. Exceptions/variances to the Bluff Protection Overlay District and tree removal ordinance must be secured from the City of Fresno.

The City also requires final construction plans, working drawings, and specifications in order to approve exceptions to its Bluff Protection Overlay District. As discussed above, construction bid-level documents are not expected to be developed by the end of the year. The ordinance exception might require approval of the City Council. It is planned that City staff will submit the preliminary plans for conceptual approval by the City Council prior to the end of 2018.

An exception to the City's tree removal ordinance requires Director Review and Approval. It is planned that the preliminary engineering plans and the replacement planting plan required by the adopted Mitigation Monitoring and Reporting Program will also be submitted to the City for preliminary approval.

Scott Mozier, City of Fresno Director of Public Works and his staff are actively participating in the River West Fresno implementation work group, and do not anticipate problems securing these exceptions.

In lieu of final approval which must occur later, Conservancy and City staff plan to secure initial approval of preliminary plans from the City, to ensure that compliance with these City requirements will not be impediments to the feasibility of the North Palm Access, thereby reasonably meeting the Board's benchmark.

d. The issues associated with the proposed Spano easement attached to the San Joaquin River Access Corporation's option agreement must be resolved to the Conservancy Board's satisfaction.

An easement initially negotiated between the SJRAC and Mr. Stan Spano granted to Mr. Spano a great deal of control over the future use of the property, effective upon transfer of the property. Mr. Spano maintains that the easement is necessary to protect his

developable property above the bluff from any incompatible features, uses, or operations on the 11-acre property below. The easement was provided to the Board with the option agreement at its meeting December 13, 2017.

The SJRAC is renegotiating the easement, focusing on incorporating within the easement Mr. Spano's advance written approval of the development and public use of the parking area (40 spaces), access road, trail, and ancillary features of the Conservancy's approved North Palm Access. The SJRAC must also make sure the approved uses and features reflect the San Joaquin River Parkway Master Plan and allow the future development and use of the City's and the State Lands Commission's public access easements leading to the property. The easement and deed must also allow for a public agency to secure a permanent public access easement on the property, as discussed in item e., below.

The SJRAC's negotiations with Mr. Spano are on-going. The most recent draft of the easement provided to Conservancy and City staff attempts to ensure that the Parkway project features, operations, uses, and plans are pre-approved and cannot be precluded by Mr. Spano in the future. Staff has requested the SJRAC to provide the renegotiated easement to staff and then to the Board as soon as it is available to confirm that it can reasonably meet this benchmark, thus allowing the SJRAC to move forward to close escrow.

- e. An access easement for public use shall be secured in favor of a willing public agency and recorded for the Spano property; alternatively, the Conservancy will investigate acquiring fee title ownership of the Spano Property.**

The Conservancy's land agent from the Wildlife Conservation Board has been receiving updates on the SJRAC's activities while participating in the implementation work group meetings and is working with Conservancy staff to assess possibilities. Land acquisitions (including easements) whether purchased by or donated to the State, require appraisals, a series of approvals by the Board, Wildlife Conservation Board, Department of General Services, and Department of Finance (if donated), and the preparation of title records, transaction agreements, site assessments, and other documents. The process takes seven to nine months at best.

The SJRAC does not intend to close escrow until it has completed and secured at least preliminary approval of the post-closure land use plan and renegotiated an acceptable easement. Therefore, they will not be in a position to formally negotiate with the Conservancy for several months. They have indicated they are generally willing to retain ownership of the property, negotiate a sale to a public entity, or grant a permanent public access easement to a public entity.

As the option agreement exists to date, with the easement granting Mr. Spano significant control over future use of the property, it would convey limited property rights to the SJRAC. If the easement included in the option agreement is not amended, the SJRAC's property rights may be insufficient for the Conservancy's intended use of the property. Whether the easement provides sufficient rights can be evaluated once the SJRAC provides the final easement negotiated with Mr. Spano.

Given the challenges of securing State approval to purchase the property with a restrictive easement, staff would not at this point recommend the Conservancy appraise or negotiate to purchase the property in fee title from the SJRAC.

In the absence of public fee title ownership, a permanent public access easement must be secured prior to the Conservancy investing State funds in the planned public access improvements on the property. Staff has requested the Wildlife Conservation Board land agent to research and provide examples of required terms and conditions. Provided the easement negotiated with Mr. Spano does not preclude the SJRAC from granting a permanent public access easement to the Conservancy, the Conservancy (or alternatively, the City) would negotiate to secure the easement from the SJRAC.

Over the next months, staff will research and present to the SJRAC the proposed terms of a permanent public access easement, which can be submitted to the Board for approval once the SJRAC's escrow has closed, likely in the second half of 2018 (it is possible the Board by that time could instead direct staff to further investigate, appraise, and negotiate to acquire the parcel). Board and SJRC concurrence on the terms of the easement would constitute reasonable progress toward meeting the Board's benchmark; however, due to the prolonged State due diligence and approval process, which would take at a minimum seven months, the transaction would not be fully approved and recorded until 2019.

Other issues associated with North Palm Access Implementation:

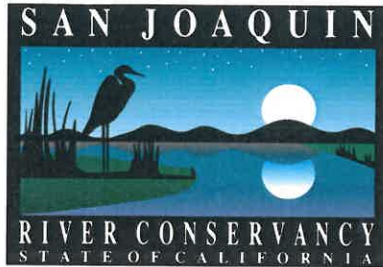
Once the final access road engineering plans and specifications are developed, the plans affecting the storm drainage outfall structure and detention basin must be submitted for Fresno Metropolitan Flood Control District approval. At that time, the Conservancy and the District can negotiate the acquisition of any small portion of the District's property necessary to align the road and trail next to the basin, or negotiate an encroachment permit. As noted above, these final plans and specifications will not be developed within 2018.

The City developed the preliminary plans for the North Palm Access in consultation with the District. Alan Hofmann, District General Manager, has proposed that within the next six months, the District and Conservancy will submit the preliminary plans to the District Board for conceptual approval, so that the Conservancy and its partners can move forward on the project with confidence.

Summary Timeline:

A summary of the tasks, processes, and estimated timeframes is provided in a table on the following page.

TIMEFRAME	KEY STEPS
	CURRENT ACTIVITIES TO DEMONSTRATE FEASIBILITY OF NORTH PALM ACCESS:
May through June 2018	<ul style="list-style-type: none"> • SJRAC consultant develops draft post-closure land use plan and submits it with preliminary plans to Fresno County Department of Public Health and Regional Water Quality Control Board for review and comment • SJRAC renegotiates easement with Mr. Spano • Conservancy provides SJRAC permanent public access easement template (typical terms and conditions)
July-August 2018	<ul style="list-style-type: none"> • SJRAC receives agency guidance, refines, and secures preliminary approval of post-closure land use plan • SJRAC provides revised Spano easement to Conservancy Board to demonstrate there are sufficient rights to implement Parkway plans
September 2018	<ul style="list-style-type: none"> • SJRAC closes Escrow
October through December	<ul style="list-style-type: none"> • Conservancy Board considers terms and conditions to acquire permanent public access easement for the SJRAC property, or whether to appraise and negotiate fee title acquisition instead • City submits preliminary plans for preliminary City Council approval of exceptions to Bluff Protection Ordinance and Director Review and Approval of tree removal ordinance • Conservancy submits preliminary plans to Fresno Metropolitan Flood Control District Board for conceptual approval to build access road across outfall structure and to acquire right of way for access road
October 2018 through June 2019	<ul style="list-style-type: none"> • Conservancy initiates negotiations, appraises, secures approvals of easement or fee title acquisition for SJRAC property • Conservancy acquires right of way from Flood Control District for access road
	UPON SECURING LONG-TERM SOURCE OF O&M FUNDING:
Duration 6 months	<ul style="list-style-type: none"> • Conservancy works with sponsoring partner to develop proposed grant for environmental permitting and engineered design, plans and specifications, and secures Conservancy Board and Wildlife Conservation Board approval
Duration several months	<ul style="list-style-type: none"> • Grantee issues bids and contracts for work
Duration one year	<ul style="list-style-type: none"> • Contractor secures permits and completes construction plans and documents; prepares engineer's estimate for project construction <ul style="list-style-type: none"> ○ Secures final approval of post-closure land use plan, exemptions from City ordinances, approval of plans from Flood Control District
Duration 4 months	<ul style="list-style-type: none"> • Conservancy works with sponsoring partner to develop proposed grant for construction, and secures Conservancy Board and Wildlife Conservation Board approval
Duration several months	<ul style="list-style-type: none"> • Grantee bids and contracts for work
Duration one year	<ul style="list-style-type: none"> • Contractor proceeds with and completes construction




SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item: F-2

June 6, 2018

TO: San Joaquin River Conservancy Board

FROM: Melinda S. Marks, Executive Officer 

SUBJECT: **Status Report for Informational Purposes on Assembly Bill 3218, Authored by Assemblymember Dr. Joaquin Arambula**

RECOMMENDATION:

This item is presented for informational purposes only. No Board action is recommended.

SUMMARY:

AB 3218 introduced by Assemblymember Dr. Joaquin Arambula, was revised effective April 25, 2018. The bill is scheduled to be heard by the Assembly Committee on Appropriations on May 25, 2018. An update will be provided at the Board meeting.

As revised, the bill would require the California Department of Parks and Recreation to "effectively manage lands currently within its jurisdiction in the Millerton Lake State Recreation Area adjacent to the San Joaquin River, and *may enter into an agreement with the San Joaquin River Conservancy to manage lands acquired by the conservancy adjacent to the state recreation area that are acquired by the conservancy pursuant to Section 32539.*" The bill would add Section 32539 to the Public Resources Code to add provisions to the San Joaquin River Conservancy Act to state that the Conservancy "*shall take all necessary action to acquire approximately 5900 acres adjacent to both sides of the San Joaquin River between Friant Dam and Highway 99 if those lands, or any portion of those lands are offered for sale;...shall prioritize the purchase of lands...that are adjacent and provide access to the Millerton Lake State Recreation Area; and ...shall not use the power of eminent domain to acquire any lands...* [Recent amendments to the bill are *italicized*.]

These provisions overall are consistent with existing laws and authorities, but add the requirement to prioritize Parkway land acquisitions in proximity to Millerton Lake State Recreation Area.

The bill was introduced February 17, 2018, and subsequently amended. The bill as of the date of preparation of this staff report is attached.

Attachment



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AB-3218 Millerton Lake State Recreation Area: acquisition of land. (2017-2018)

SHARE THIS:



Date Published: 04/25/2018 09:00 PM

AMENDED IN ASSEMBLY APRIL 25, 2018

AMENDED IN ASSEMBLY APRIL 02, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 3218

Introduced by Assembly Member Arambula

February 16, 2018

An act to add ~~Section 5005.2~~ *Sections 5005.2 and 32539* to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 3218, as amended, Arambula. Millerton Lake State Recreation Area: acquisition of land.

Existing law designates all parks, public campgrounds, monument sites, landmark sites, and sites of historical interest established or acquired by the state, or that are under its control, as the state park system, except as specified. Under existing law, the Department of Parks and Recreation controls the state park system, which is made up of units, one of which is the Millerton Lake State Recreation Area.

Existing law establishes the San Joaquin River Conservancy and prescribes the membership of and functions and duties of the conservancy with respect to the acquisition, conservation, and management of specified public lands within the San Joaquin River Parkway, and lands adjacent to both sides of the river.

This bill would require the department to effectively manage lands currently within its jurisdiction in the Millerton Lake State Recreation Area adjacent to the San Joaquin River, and ~~to take action to acquire approximately 5,900 acres adjacent to the river, as specified, if those lands, or any portion of those lands, are offered for sale. The bill would prohibit the department from using the power of eminent domain to acquire any additional lands for the recreation area pursuant to the bill.~~ *would authorize the department to enter into an agreement with the conservancy to manage lands acquired by the conservancy adjacent to the state recreation area, as specified.*

The bill would require the conservancy to take action to acquire approximately 5,900 acres adjacent to both sides of the river, as specified, if those lands, or any portion of those lands, are offered for sale, and to prioritize the purchase of those lands, as prescribed.

This bill would make legislative findings and declarations as to the necessity of a special statute for purposes of expanding the Millerton Lake State Recreation Area.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5005.2 is added to the Public Resources Code, to read:

5005.2. ~~(a)~~ The department shall effectively manage lands currently within its jurisdiction in the Millerton Lake State Recreation Area adjacent to the San Joaquin River, and ~~shall take action to acquire approximately 5,900 acres adjacent to both sides of the San Joaquin River between Friant Dam and Highway 99, if those lands, or any portion of those lands, are offered for sale.~~ *may enter into an agreement with the San Joaquin River Conservancy to manage lands acquired by the conservancy adjacent to the state recreation area that are acquired by the conservancy pursuant to Section 32539.*

~~(b) The department shall not use the power of eminent domain to acquire any additional lands for the recreation area pursuant to this section.~~

SEC. 2. Section 32539 is added to the Public Resources Code, to read:

32539. (a) *The conservancy shall take all necessary action to acquire approximately 5,900 acres adjacent to both sides of the San Joaquin River between Friant Dam and Highway 99 if those lands, or any portion of those lands, are offered for sale.*

(b) *The conservancy shall prioritize the purchase of lands described in subdivision (a) that are adjacent and provide access to the Millerton Lake State Recreation Area.*

(c) *The conservancy shall not use the power of eminent domain to acquire any lands pursuant to this section.*

~~SEC. 2.~~ **SEC. 3.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to expand the Millerton Lake State Recreation Area.

Date of Hearing: May 9, 2018

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez Fletcher, Chair
AB 3218 (Arambula) – As Amended April 25, 2018

Policy Committee: Water, Parks and Wildlife

Vote: 15 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires the Department of Parks and Recreation (DPR) to effectively manage the lands within its jurisdiction in the Millerton Lake State Recreation Area (SRA) adjacent to the San Joaquin River and authorizes DPR to enter into an agreement with the San Joaquin River Conservancy (Conservancy) to manage lands acquired by the Conservancy adjacent to the SRA.

This bill restates existing law provisions directing the Conservancy to acquire specified lands within its jurisdiction from willing sellers but requires the Conservancy to prioritize the purchase of lands that are adjacent and provide access to the SRA.

FISCAL EFFECT:

- 1) One-time capital development cost pressures of up to \$30 million (likely bond funds) if this bill is interpreted to require DPR to manage Conservancy lands to provide recreational opportunities pursuant to the master plan.
- 2) Ongoing annual costs pressures of up to \$10 million GF for DPR to operate and maintain the Parkway.

COMMENTS:

- 1) **Background and Purpose.** The San Joaquin River Conservancy (Conservancy) was created in 1992 to acquire, develop and manage the San Joaquin River Parkway (Parkway), a planned 22-mile natural and recreational area in the floodplain extending from Friant Dam to Highway 99. The Conservancy's mission includes acquiring approximately 5,900 acres from willing sellers; developing, operating, and managing those lands for public access and recreation; and protecting, enhancing, and restoring riparian and floodplain habitat.

The Conservancy adopted a master plan for the Parkway in 2000, which includes plans development and describes ownership of the land along the river. A majority of the land at the time of the master plan was in private lands, with the remaining lands in public ownership (both state and local). The Conservancy is in the process of updating its parkway master plan and environmental impact report. The updated plan will address the opportunities for habitat restoration, public access, and recreation presented by the 3,800 acres acquired to date for the Parkway.

The Conservancy is funded from three sources: the San Joaquin River Conservancy Fund, the Environmental License Plate Fund, and several bond funds approved by state voters.

Bond funds from propositions 12, 13, 40, and 84, as well as grants and donations, provide funding for the Parkway's capital improvement projects. State voters have authorized \$86 million in four bond acts for the Conservancy to use for land acquisition, planning, design, permitting, and construction to implement the San Joaquin River Parkway Master Plan. Approximately \$36 million remains unspent. The Conservancy's goal is to authorize projects to use the remaining bond funds in the next five years.

Bonds provide money for land acquisition and capital outlay, but do not provide resources for ongoing operations and maintenance. The Conservancy is not currently staffed or funded to manage the Parkway as a public recreational resource.

The Conservancy is adjacent to the Millerton Lake SRA, owned by United States Bureau of Reclamation and leased for operations by DPR. The lake was created by construction of the Friant Dam across the San Joaquin River in 1944. The park's camping facilities include boat camping. The park contains the original Millerton County Courthouse, built in 1867 and, including the lake itself, mainly shoreline surrounding the lake and tributaries.

The purpose of this bill is to authorize DPR to enter into an agreement with the Conservancy to manage the Parkway. Although, the bill is silent on how or by whom the management of the parkway will be funded.

- 2) **Willing Sellers.** This bill requires the Conservancy to prioritize land acquisition adjacent to the SRA. Since the Conservancy is required, by this bill and its enabling statute, to purchase land from willing sellers, the ability to prioritize acquisitions is limited by what is available. The author may wish to strike this provision from the bill.
- 3) **Prior Legislation.** AB 2452 (Costa), Chapter 1012, Statutes of 1992, created the San Joaquin River Conservancy with a mission of acquiring approximately 5,900 acres from willing sellers; developing, operating, and managing those lands for public access and recreation; and protecting, enhancing, and restoring riparian and floodplain habitat.

Analysis Prepared by: Jennifer Galehouse / APPR. / (916) 319-2081

